

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 28, 2009

DIVISION ONE

[illegible]

The disposition order is modified to strike the maximum term of confinement. In all other respects the court's orders are affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Ferns, J. (Assigned)

1006728-09

The Honorable **STANLEY M. WEISBERG**, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

June 1, 2009 to July 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

May 26, 2009

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

May 28, 2009 (Continued)

DIVISION ONE (continued)

100673-09

The Honorable **Rita J. Miller**, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

June 1, 2009 to July 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore

5-27-2009

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION TWO

B209546 Sasaguchi (Not for Publication)
v.
Commerce West Insurance Company

The judgment is affirmed. Each party to bear their own costs.

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

DIVISION TWO (continued)

B206069 La et al (Not for Publication)
v.
Chen

The order is affirmed. La is awarded costs of appeal.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B208591 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Y.M. et al.

The orders denying father's section 388 petition and terminating mother's and father's parental rights are affirmed.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B206132 People (Not for Publication)
v.
Alexander

The judgment is affirmed. The superior court is ordered to correct the abstract of judgment to reflect that defendant received 163 days of conduct credits and to forward a copy of the corrected abstract to the Department of Corrections and Rehabilitation.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

May 28, 2009 (Continued)

DIVISION TWO (continued)

B206068 People (Not for Publication)
v.
Fitwi

The trial court's findings on the truth of the prior conviction allegations pursuant to sections 667 and 1170.12 are reversed, and the matter is remanded for a new trial. In all other respects, the judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B204614 People (Not for Publication)
v.
Lonnell Jefferies

The judgment is modified to award Jefferies 276 days of custody credit and 138 days of conduct credit, for a total of 414 days of precommitment credit. The Clerk of the Superior Court is directed to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

May 28, 2009 (Continued)

DIVISION THREE (continued)

B201035 Ardon (Certified for Publication)
v.
City of Los Angeles

The judgment is affirmed. The City shall recover costs on appeal.

Kitching, J.

I concur: Klein, P.J. (With Opinion)
I dissent: Croskey, J. (Opinion)

DIVISION FOUR

B207876 Diaz (Not for Publication)
v.
Romero, Jr. et al.

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B208024 Pelayo (Certified for Publication)
v.
J.J. Lee Management Co., Inc.

The August 19, 2008 order denying appellant's motion to vacate is reversed and the trial court is directed to vacate the March 29, 2007 default and the February 25, 2008 default judgment and to permit appellant to file its answer. The parties are to bear their own costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B208752 People (Not for Publication)
v.
J.D.

The juvenile court is directed to correct the minute order to reflect a sentence of six months for each of the attempted robbery counts, impose sentence for each of the principal armed allegations found true as to counts 2, 3, and 4, and calculate a new maximum term of confinement. As modified, the order declaring minor to be a ward of the court is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B186000 Dee
v.
PCS Property Management, Inc. et al.

Filed order modifying opinion and certifying opinion for partial publication. (No change in the judgment)

DIVISION FIVE

B206396 People (Not for Publication)
v.
Raul Sanchez

The abstract of judgment is ordered amended as follows: the terms under section 12022.1 as to counts 2, 3, and 4 are stricken, and the two-year terms under section 186.22, subdivision (b) (1) (A) as to counts 2, 3, and 4 are stricken and replaced with one-year terms. In all other respects, the judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

May 28, 2009 (Continued)

DIVISION FIVE (continued)

B205766 Vartan Kojababian (Certified for Partial Publication)

v.

Genuine Home Loans, Inc., Nectar Kalejian, Aida Markarian

The judgment of the trial court and the order denying defendants' motion for sanctions under section 128.7 are affirmed. Each party shall bear his, hers, or its own costs on appeal.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION SEVEN

B206513 Green (Certified for Publication)

v.

Lopez, et al.,

The award of attorney's fees is reversed and the matter is remanded for further proceedings consistent with this opinion. Each party is to bear its own costs on appeal.

Zelon, J.

I concur: Woods, Acting P.J.
I dissent: Jackson, J. (Opinion)

B211402 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Y.D.

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
 Zelon, J.

DIVISION SEVEN (continued)

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That portion of the judgment imposing a concurrent or stayed sentence for the section 667.5, subdivision (b), enhancement is reversed, and the enhancement is ordered stricken. As modified, the judgment is affirmed. The superior court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Rubin, Acting P.J., Flier, J., Bauer, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B197592 People v. Sanchez
B206795 People v. Alvarez
B205509 People v. Puckett
B195251 Cal-Tex Consulting etc. v. Wright Investment
B214695 J.L. v. DCFS (SCLA)
B204561 People v. Flores
B209416 DCFS v. H.M.
B211892 DCFS v. K.S.
B209094 People v. Avila
B211383 People v. F.M.

Argument waived, cause submitted.

DIVISION EIGHT (continued)

B202475 Barbara Royal
 v.
 Gary Chen

Merits:

Argued by Michele A. Wilson for appellant and by Vangi Johnson for respondent. Cause submitted.

B214512 S.I.,
 v.
 Superior Court, Los Angeles County
 (DCFS, r.p.i.)

Merits:

Argued by Eliot Grossman for petitioner and by Melinda White-Svec, Deputy County Counsel for real party in interest. Cause submitted.

Bigelow, J. assumes the bench.

B210897 Lee Williams, et al.,
 v.
 Southern California Gas Company

Merits:

Argued by Barry Novack for appellants and by Sabina Clorfeine for respondent. Cause submitted.

Bauer, J. (Assigned), left the bench

B207878 North American Capacity Ins. Company
 v.
 Claremont Liability Insurance Company

Merits:

Argued by A. Carl Yaeckel for appellant and by Eldon S. Edson for respondent. Cause submitted.

May 28, 2009 (Continued)

DIVISION EIGHT (continued)

Bauer, J. (Assigned), resumed the bench.

B205869 People
 v.
 Thomas Sampson

Merits:

Argued by Joanna McKim for appellant and by Michael J. Wise, Deputy Attorney General, for respondent. Cause submitted.

B209219 People
 v.
 Carlos Thrasher

Merits:

Argued by Natasha Cooper, Deputy District Attorney, for appellant; by Emelyn Rodriguez, amicus curiae for appellant; and appearance only by Kevin McDermott for respondent. Cause submitted.

Rubin, J .Acting P.J. left the bench.

B206783 David Simon
 v.
 Michael Hartunian et al.

Merits:

Argued by Christie Gaumer for appellant, by Wayne Marshall for respondents Coldwell Banker Residential Brokerage et al., and by Adam Greely for respondents Hartunian . Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Rubin, Acting P.J., Flier, J., Bauer, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (continued)

B211507 People
v.
Gregory Hanley

Merits:
Argued by Alex Coolman for appellant and by David Wildman, Deputy Attorney General, for respondent. Cause submitted.

B206001 Fred Rucker
 v.
 Tong

Merits:
Argued by Tu My Tong, appellant in propria persona with her interpreter Minh Q. Nguyen, and no appearance by respondent Fred Rucker. Cause submitted.

Court adjourned.

B205679 People (Certified for Publication)
v.
Vasilyan

The judgment of conviction and appellant's pleas of nolo contendere are vacated. The case is remanded with directions to amend or dismiss the information, as appears appropriate, and for such further proceedings as are appropriate.

Flier, J.

I concur: Rubin, Acting P.J.
I dissent: O'Neill, J. (assigned)

May 28, 2009 (Continued)

DIVISION EIGHT (continued)

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For reasons set forth above, the judgment is affirmed. Respondent shall recover her appellate costs.

Rubin, Acting P.J.

We concur: Bigelow, J.
Bauer, J. (Assigned)